

REMARKS

By the above amendment, Applicants have: 1) amended claims 26, 28, 31, 33, 36, 38, 64, 70, and 76; 2) added no new claims; and 3) canceled no claims. As such, claims 26-81 are now pending. Support for the amendment is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendment does not add new matter. Applicants respectfully request reconsideration of the present application and consideration of the following remarks and the claims.

Double Patenting

“Claims 41-81 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-144 of co-pending Application No. 10/428,059.”

Applicants are herewith filing the terminal disclaimer in compliance with 37 CFR § 1.321 without admitting the propriety of the provisional double patenting rejection.

Claim Rejections – 35 U.S.C. § 112

“Claims 26-81 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.”

The Office Action rejected claims 26-81 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully disagree. In particular, the Office Action stated that “it is not clear what part of the graphical user interface is controlling the parameter” in the claim language “adjusting a first parameter under control of a first user interface element” in claims 26-40 because “it is clear the originally filed specification discussed using the interface

elements to disengage the mouse from the cursor” (Page 7 of the Office Action). The Office Action further stated that “the claims do not clearly claim what part of the graphical user interface is controlling the parameter” in the claim languages “**adjusting a first parameter displayed by a first user interface element**” and “**adjusting a second parameter displayed by a second user interface element**” in claims 64-81. Applicants respectfully disagree. As is well known to people of ordinary skill in the art, it is, in general, not the cursor that controls the interface elements (or the parameters associated with the interface elements). In the typical graphical user interface, a cursor or pointer is controlled by an input device such as a mouse, and it is, among other things, used to give the user a (visual) feedback as to the current value or values of the variables, or the degrees of freedom, associated with the input device. In other words, it is the input device that controls the parameter or parameters associated with user interface elements (whether “the mouse is disengaged from the cursor or not”). Therefore, Applicants respectfully submit that the current rejection on claims 26-40 and 64-81 under 35 U.S.C. § 112, second paragraph, is improper.

Furthermore, the Office Action stated that “it is not clear what part of the graphical user interface is the “control element”” in the claim languages “**first control element of a graphical user interface**” and “**second control element of a graphical user interface**” in claims 41-63. Applicants respectfully submit that the phrase “control element” as used in the pending claims have well recognized meaning in the art and does not require any further descriptions or specifications. The application, as originally filed, uses the term “control” in various places. Applicants respectfully submit that, as will be readily agreed by a person of skill in the art, adding common English words such as “element” at the end does not change its original intended meaning (e.g., when “control” is used for a graphical user interface element). Moreover, the word “element” is used throughout the specification, for example, to denote a graphical user interface element. It should be further noted that the word “control”, when used alone, can present certain ambiguities, as is common with many English words. However, a person of ordinary skill in the art will interpret the “control” in the phrase “under control of”, for instance, differently than the “control” in “control element”. Hence, the use of the term “control element”, e.g., in place of “control”, clarifies the meaning of the claim languages. Applicants, therefore, respectfully submit that the current rejection on claims 41-

63 under 35 U.S.C. § 112, second paragraph, is improper and they respectfully request withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 101

“Claims 26-40 and 64-81 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.”

The Office Action rejected claims 26-40 and 64-81 under 35 U.S.C. § 101 stating that the claimed invention is directed to non-statutory subject matter. It further stated that these claims are directed to manipulating abstract ideas. Applicants respectfully disagree. In particular, the Office Action asserted that “[t]he specification does not limit the claimed term “parameter” to a tangible entity” and that “[t]he claims do not clearly claim what part of the graphical user interface is controlling the parameter”. Applicants respectfully disagree. As stated earlier, the claimed invention is directed to manipulating graphical (or, visual) user interface elements (e.g., by varying associated parameters) using an input device such as a mouse, and therefore it is clearly directed to a process that produces a useful, concrete, and tangible result (Diamond v. Diehr, 450 U.S. 188, 209 USPQ 1). The Office Action further asserted that “[a] method to implement a graphical user interface is also an abstract process”. Applicants respectfully disagree. As stated earlier, the claimed invention is directed to a method implementable on an apparatus, namely, a data processing system, which can be manipulated by a user (e.g., through an input device coupled to the apparatus) and produces a useful, concrete, and tangible result (e.g., through an output device such as a display screen coupled to the apparatus). Therefore, Applicants respectfully submit that these pending claims are directed to statutory subject matter. To further emphasize this point, Applicants have amended the relevant claims. For example, claim 26 is now rephrased to be directed to a “method to implement a graphical user interface on a data processing system having an input device and a display device”.

With regards to claims 65-67, 71-73, and 77-79, the Office Action stated that the claim languages “when a cursor of the graphical user interface is in the first region” and “when the cursor of the graphical user interface is in the second region” do “not claim the cursor is displayed to the user, thus, the claimed cursor is an abstract computer entity” and thus “it is directed to non-statutory subject matter”. Applicants respectfully disagree. As is well known in the art, a cursor is a graphical user interface object, which may be, for example, defined graphically on a display device. Hence it is not an “abstract computer entity”. Furthermore, the mere fact that a claim includes an abstract entity or an abstract concept does not make the claim as a whole non-statutory (“A process is not unpatentable simply because it contains a law of nature or a mathematical algorithm”, *Parker v. Flook*, 437 U.S. at 590, 198 USPQ at 197, “a claim drawn to subject matter otherwise statutory does not become non-statutory because it uses a mathematical formula, computer program, or digital computer” (citing *Diehr*, supra) *In re Taner*, 681 F.2d at 791). The phrase “a cursor ... is in ... region” as used in claims 65, 71, and 77 clearly and unequivocally indicates the cursor is being displayed, or otherwise contained, in the specified region (of the graphical user interface, which is displayed on a display device). Furthermore, it is clear from the claim languages that “the first region” and “the second region” refer to regions on a graphical user interface displayed on the display device (therefore, displayed to the user, by definition). Therefore, Applicants respectfully submit that the rejection on these pending claims are improper and request reconsideration of these claims.

“A prior art rejection cannot be made on claims 41-63 because the metes and bounds of the claims are not definite and because the specification does not clarify the claims.”

The Office Action stated that an indication of allowability on claims 41-63 would be premature because the metes and bounds of the claims are not definite and because the specification does not clarify the claims. Applicants respectfully request reconsideration of these claims in view of Applicants’ arguments presented earlier, in particular, with respect to the use of the claim term “control element”.

Claim Rejections - 35 U.S.C. § 102

“Claims 26-40, 64-66, 68-72, 74-78, 80, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Gest, et al. U.S. Patent No. 4,896,291.”

The Office Action rejected claims 26-40, 64-66, 68-72, 74-78, 80, and 81 over Gest stating that Gest shows each and every element of each of the pending claims. Applicants respectfully disagree.

Claim 26 currently reads, as amended:

26. A method to implement a graphical user interface on a data processing system having an input device and a display device, the method comprising:
- receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device, the input comprising:
 - a first component which indicates a component of the movement in a first degree of freedom of the input device, and
 - a second component which indicates a component of the movement in a second degree of freedom of the input device; and
 - adjusting a first parameter under control of a first user interface element, which is for receiving input from a user, of the graphical user interface according to the first component of the input, the first user interface element being located within the first region, wherein the adjusting the first parameter causes a parameter under control of another user interface element of the graphical user interface to be adjusted based on a value of the first parameter.

In rejecting claim 26, the Examiner relied on FIGS. 3 and 7A-7C of Gest for the claim limitation “receiving an input which indicates a movement of the input device while a cursor of the graphical user interface is outside a first region on the display device ...”. Applicants respectfully disagree. The Examiner further relied on FIG. 7A of Gest for the claim limitation “adjusting a first parameter under control of a first user interface element, which is for receiving input from a user, of the graphical user interface according to the first component of the input ...”. Applicants respectfully disagree. Gest does not show, among other things, “adjusting a first parameter under control of a first user interface element ... according to the first component of the input” “which indicates a movement of the input device while a cursor ... is outside a first region on the display device” where “the first user interface element [is] located within the first region”. The Office Action stated that “As the user moves the cursor 18 over the whole graphical user interface [it(?)] produces the first input”. Applicants respectfully disagree. In nowhere in Gest is it described that moving the cursor over the whole graphical user interface (outside a user interface element) produces an input, according to which a parameter of the user interface element is adjusted. On the contrary, Gest clearly states, with reference to FIG. 3, that “the user moved the cursor to another location on the screen *to enhance clarity of FIG. 3*” (Col. 4 lines 14-15 of Gest), and it does not teach or suggest, either explicitly or implicitly, the claim elements of claim 26. Moreover, the valuator value 20 of Gest is not a “user interface element” which is “for receiving input from a user” as claimed in the pending claim 26. As explained in detail in the application, in certain embodiments, the “first user interface element” might be a slider control, which can be directly controlled by a user (e.g., by using a pointing device such as a mouse). On the other hand, the valuator value 20 of Gest is merely used for displaying a parameter value determined by another user interface element, namely, a menu item. Furthermore, Gest is completely silent on the claim aspect “the adjusting the first parameter causes a parameter under control of another user interface element of the graphical user interface to be adjusted based on a value of the first parameter”.

Therefore, for all the above reasons, Applicants respectfully submit that Gest does not disclose each and every element of claim 26 and they respectfully request withdrawal of the current rejection.

With regards to claim 27, Applicants respectfully submit that this pending claim is patentable over Gest at least for the foregoing reasons. In particular, Applicants respectfully submit that the dependent claim 27 should be viewed with all limitations of its independent claim 26 incorporated. The Examiner interpreted “first user interface element” as 20 of Gest in rejecting claim 26 and now as 71 of Gest in rejecting claim 27. Applicants respectfully submit that Gest does not show this additional claim limitation “the first user interface element is controllable by a movement of the input device when the cursor of the graphical user interface is within the first region” of claim 27. As stated earlier with respect to claim 26, 20 of Gest is not a “user interface element ... for receiving input from a user”. Furthermore, 71 of Gest cannot be the “first user interface element” since it does not satisfy the claim limitations of claim 26. Applicants respectfully request the Examiner to show them how the Examiner is interpreting the claim 27 *with the element of claim 26 incorporated*.

With regards to claim 28, Applicants respectfully submit that this pending claim is patentable over Gest at least for similar reasons given with respect to claim 26.

With regards to claim 29, Applicants respectfully submit that this pending claim is patentable over Gest at least for similar reasons to those given with respect to claims 26 and 28. In particular, Applicants respectfully request the Examiner to show them how the Examiner is interpreting claim languages such as “first user interface element” and “second user interface element” in claim 29, not in isolation but with all limitations of its parent claims 26 and 28 incorporated.

With regards to claim 30, Applicants respectfully submit that this pending claim is patentable over Gest at least for similar reasons to those given with respect to claims 26, 28, and 29. The Office Action asserted that Gest shows, for example, a slider “since the figures [7A-7C of Gest] illustrate cursor 18 *as if it were a slider* and also because *the claimed term slider is broadly claimed*”. Applicants respectfully disagree. The term “slider” has a well-defined and

well-recognized meaning in the art. Applicants respectfully submit that a person of ordinary skill in the art would not consider the cursor 18 of Gest as a slider control as the Examiner suggested. Furthermore, in nowhere in Gest is such a suggestion found. (Again, Applicants respectfully request the Examiner to clarify the meanings of the terms such as “first user interface element” and “second user interface element” *as interpreted by the Examiner.*) Therefore, Applicants respectfully submit that the rejection on claim 30 is improper, and for all the reasons given above, they respectfully submit that the pending claim is patentable over the prior art.

In regards to claims 31-35, Applicants respectfully submit that these claims are patentable over Gest at least for the reasons given above with respect to claims 26-30.

In regards to claims 36-40, Applicants respectfully submit that these claims are patentable over Gest at least for the reasons given above with respect to claims 26-30.

With respect to claim 64, the claim currently recites:

64. A method to implement a graphical user interface on a data processing system having an input device and a display device, the method comprising:
- receiving an input from the input device, the input comprising:
 - a first component which indicates a component of the input according to a first degree of freedom of the input device, and
 - a second component which indicates a component of the input according to a second degree of freedom of the input device;
 - and
 - performing simultaneously the following:
 - adjusting continuously a first parameter displayed by a first user interface element of the graphical user interface on the display device according to the first component, the first user interface

element being located in a first region in the graphical user interface; and
adjusting continuously a second parameter displayed by a second user interface element of the graphical user interface on the display device according to the second component, the second user interface element being located in a second region in the graphical user interface.

The Office Action rejected claim 64 asserting that Gest discloses each and every limitation of claim 64. Applicants respectfully disagree. Applicants respectfully submit that Gest does not teach or suggest each and every limitation of claim 64. In particular, Gest is completely silent on “performing simultaneously” (a) “adjusting continuously a first parameter” and (b) “adjusting continuously a second parameter”. First of all, it is clearly stated in Gest that the day value is set only after the month is adjusted first, e.g., in the example of FIGS. 7A-7C. For example, as will be clear to people of ordinary skill in the art, it is not possible to set a day in the month of February (say, from 2/1 to 2/28) until the month is first set to February, in the method disclosed in Gest. This is also explicitly indicated in Gest, for example, in the code sample presented in Col. 8 of Gest (which is, incidentally, also cited by the Examiner). On the other hand, in the embodiments of the present invention, for example, as claimed claim 64, both parameters can be adjusted simultaneously. In addition, both parameters can be adjusted independently of each other in certain embodiments, unlike the teachings of Gest. Furthermore, not both parameters are adjustable in Gest. For example, 71 of Gest does not show an adjustable parameter. Even the set of menu items 71-82 of Gest does not show adjustable parameters. The selected value (e.g., a month) may be returned to the data processing system for further processing, but Gest does not disclose “adjusting ... a parameter displayed by a ... user interface element”. Therefore, Gest does not disclose both “adjusting ... a first parameter” and “adjusting ... a second parameter”. Moreover, not both parameters are continuously adjustable in Gest. Hence, to sum, Gest is completely silent, among other things, on “performing simultaneously the following: adjusting continuously a first parameter ...; and adjusting continuously a second parameter ...”.

Therefore, Applicants respectfully submit that claim 64 is patentable over Gest and they respectfully request reconsideration this pending claim and its dependent claims 64-66 and 68-69.

As for claims 70-72, 74, and 75, Applicants respectfully submit that these claims are patentable over Gest at least for similar reasons given with respect to claims 64-66 and 68-69.

As for claims 76-78 and 80-81, Applicants respectfully submit that these claims are patentable over Gest at least for the reasons given above with respect to claims 64-66 and 68-69.

Claim Rejections - 35 U.S.C. § 103

“Claims 67, 73, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gest, et al., U.S. Patent No. 4,896,291.”

The Office Action rejected claims 67, 73, and 79 over Gest. Applicants respectfully disagree. Applicants respectfully submit that these claims are patentable over Gest at least for similar reasons given with respect to their respective independent claims 64, 70, and 76.

Claim Not Examined on the Basis of Merit

“A prior art rejection cannot be made on claims 41-63 because the metes and bounds of the claims are not definite and because the specification does not clarify these claims.”

With respect to claims 41-63, the Office Action stated that an indication of allowability would be premature because the metes and bounds of the claims are not definite and because the specification does not clarify these claims. Applicants respectfully request reconsideration of these pending claims in view of Applicants’ foregoing arguments in earlier paragraphs.

Applicants respectfully submit that claims 41-63 are patentable over the prior art including the reference, Gest, and request reconsideration of these pending claims.

For example, claim 41 currently reads:

41. A method for accessing a broad data field having fine resolution comprising:
selecting a scale to control a range for accessing data within the data field, the
scale being displayed by a first control element of a graphical user
interface on a display device;
moving the range to encompass different portions of the data field, a position
of the range relative to the data field being displayed by a second
control element of the graphical user interface on the display device;
and
changing simultaneously the scale while moving the range over different
portions of the data field.

Applicants respectfully submit that Gest does not teach or suggest each and every element of claim 41, and therefore claim 41 and its dependent claims 42-51 are patentable over Gest, and they respectfully request reconsideration of these pending claims.

Likewise, Applicants respectfully submit that claims 52, 56, 60, and 63 and their dependent claims are patentable over Gest and request reconsideration of these claims.

CONCLUSION

For all the above reasons, Applicants submit that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore they submit that all rejections have been overcome and that all pending claims are in condition for allowance, which action they respectfully solicit. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

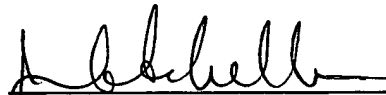
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due or credit any overages. If an extension is required, Applicants hereby request such extension.

Respectfully Submitted,

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